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INFO OCT-01 ISO-00 CU-02 OES-03 NSF-01 L-03 CIAE-00 INR-07

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FM AMEMBASSY SOFIA

TO SECSTATE WASHDC 830

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INFO AMEMBASSY BUDAPEST

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E.O. 11652: NA

TAGS: OEXC, PFOR, SCUL, BU

SUBJECT: CULTURAL-SCIENTIFIC AGREEMENT: SECOND NEGOTIATING SESSION

REF: A) SOFIA 259; B) STATE 201490; C) SOFIA 130

1. BEGIN SUMMARY. SECOND NEGOTIATING SESSION ON CULTURAL/SCIENTIFIC AGREEMENT WED FEB 18 BROUGHT SIGNIFICANT PROGRESS. PARTICIPANTS SAME AS LAST MEETING. ON PARA-BY-PARA RUN-THROUGH OF U.S. REVISED DRAFT TABLED TWO WEEKS PREVIOUSLY (REF A), DAMYANOV RAISED SEVERAL PROBLEMS AND QUESTIONS, BUT AFTER ARGUMENT ENDED BY ACCEPTING AD REFERENDUM MOST OF OUR LANGUAGE. IN PARTICULAR HE ACCEPTED TWO-YEAR DURATION AND DID NOT INSIST ON JOINT COMMISSION. HE ALSO AGREED TO SUB-ARTICLE ON DISTRIBUTION OF MATERIALS AND ACCESS TO LIBRARIES, WHICH WE BELIEVE TO BE POTENTIALLY SIGNIFICANT. SOME MINOR STICKING POINTS REMAIN, BUT UNLESS EITHER SIDE RESORTS TO DILATORY TACTICS THERE IS FAIR PROSPECT THAT NEGOTIATION CAN BE CONCLUDED AT NEXT SESSION. END SUMMARY.

2. PREAMBLE: IN OUR REVISED DRAFT, WE HAD ADOPTED SHORT PREAMBLE FROM BULGARIAN DRAFT. THE BULGARIANS HAVE NOW REPAYED THE COMPLIMENT BY SUGGESTING USE OF MOST OF OUR ORIGINAL LENGTHY PREAMBLE, ADDING TO IT THE SINGLE
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PARA FROM OUR REVISION. NEW PROPOSED JOINT PREAMBLE IS GIVEN AT END OF THIS MESSAGE (PARA 12).

RECOMMENDATION: ACCEPT BULGARIAN REVISION OF OUR REVISION, SINCE MOST OF THE LANGUAGE WAS OURS ORIGINALLY. INSERT "THE ARTS, SPORTS" BEFORE "AND OTHER FIELDS" IN THIRD PARA. INSERT "ARTISTIC AND ATHLETIC" BEFORE "INSTITUTIONS" IN FOURTH PARA. (THESE CHANGES ARE SHOWN IN PARENTHESES IN PARA 12.) DAMYANOV HAS INDICATED THEY ARE ACCEPTABLE.

3. BULGARIAN ARTICLE I: DAMYANOV URGED INSERTION AFTER PREAMBLE FIRST ARTICLE FROM REVISED BULGARIAN DRAFT (REF C) AS GENERAL INTRODUCTION TO AGREEMENT. AMBASSADOR NOTED THAT USG CANNOT BIND INDEPENDENT INSTITUTIONS AND INDIVIDUALS BY "JOINTLY SPECIFYING" FORMS OF COOPERATION; FURTHER, ARTICLE IN GENERAL SEEMED TO DELIMIT POSSIBILITIES FOR COOPERATION TO ONLY THOSE EXPLICITLY AGREED TO. US SIDE FURTHER NOTED BULGARIAN ARTICLE ADDS NOTHING SUBSTANTIVE. AFTER SOME DISCUSSION DAMYANOV AGREED TO LEAVE IT OUT.

4. FOLLOWING ALL REFERS TO REVISED DRAFT (REF A).

5. US ARTICLE I:

A. AMBASSADOR REVIEWED OUR REASONS FOR INCLUDING INTRODUCTORY PARA REFERENCE TO "INDIVIDUALS" AND FOR OUR PREFERENCE THAT ACTIVITIES BE LISTED IN ILLUSTRATIVE, RATHER THAN EXCLUSIVE, FASHION. AFTER DISCUSSION DAMYANOV SAID THIS PARAGRAPH WAS ACCEPTABLE. HOWEVER HE SAID GOB WISHED TO REVERSE ORDER OF SUB-ARTICLES I-A AND I-B, SO THAT INTER-INSTITUTIONAL COOPERATION WOULD BE LISTED BEFORE INDIVIDUAL EXCHANGES.

RECOMMENDATION: HAVING WON SUBSTANTIVE ARGUMENT, WE SEE NO REASON TO OPPOSE SWITCH OF FIRST TWO SUB-ARTICLES.

B. DAMYANOV ASKED WHETHER OMISSION OF REFERENCE TO SCHOLARSHIPS, WHICH ARE MENTIONED IN BULGARIAN DRAFT, MEANS USG WAS EXCLUDING THEM. AMBASSADOR AGAIN NOTED USG COULD NOT BIND US INSTITUTIONS WHICH WOULD OFFER SCHOLARSHIPS LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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(USG'S FULBRIGHT-HAYS PROGRAMS WERE NOT MENTIONED). BUT AFTER DISCUSSION WE OFFERED TO TRY TO FIND LANGUAGE REFERRING TO SCHOLARSHIPS WHICH US SIDE COULD ACCEPT.

RECOMMENDATION: SINCE LANGUAGE IS NOT MANDATORY AND ONLY ILLUSTRATIVE OF TYPES OF COOPERATION TO BE ENCOURAGED, WE SEE NO REASON WHY SCHOLARSHIPS CANNOT BE ADDED TO LIST OF EXAMPLES. SUGGEST ADDING THEM TO SUB-ARTICLE I-B (FORMER I-A) AFTER "AND SPECIALISTS": "INCLUDING EXCHANGES SUPPORTED BY SCHOLARSHIPS, STIPENDS, ETC." IF THIS IS NOT POSSIBLE, WE WILL NEED CONVINCING EXPLANATION WHY SUCH

ILLUSTRATIVE, NON-BINDING LANGUAGE IS UNACCEPTABLE.
IF WE HAVE SUBSTANTIVE REASONS (NOT JUST ABSENCE OF
PRECEDENT) TO ADDUCE, BELIEVE BULGARIANS WILL BACK
OFF.

C. DAMYANOV MENTIONED DESIRE TO INCLUDE IN SUB-
ARTICLE ON INDIVIDUAL EXCHANGES EXPLANATION OF PURPOSES
(E.G., "FOR SURVEY AND SPECIALIZATION" AND "FOR SPECIAL-
IZATION AND EXCHANGE OF EXPERIENCE") FROM BULGARIAN
REVISED DRAFT. HIS ATTENTION WAS DIVERTED TO ANOTHER
SUBJECT, AND HE DID NOT RETURN TO THIS DESIRE. IF IT
CROPS UP AGAIN, WE WILL CONTINUE TO OPPOSE IT ON THE
GROUND THAT IT COULD BE INTERPRETED AS UNDULY LIMITING.

6. US ARTICLE II:

A. DAMYANOV MADE SAME POINTS AS FOR FIRST ARTICLE
(PARAS 5A AND 5B, ABOVE); REVERSING ORDER OF FIRST TWO
SUB-ARTICLES AND ADDING REFERENCE TO SCHOLARSHIPS.

RECOMMENDATION: SAME AS ABOVE (REVERSE ORDER AND
ADD PHRASE).

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B. BULGARIANS QUESTIONED MEANING OF SUB-PARAGRAPH
II-E ON FILM SHOWINGS AND FILM WEEKS. THEY WERE TOLD
THIS WOULD PERMIT E.G., BULGARIAN FILM WEEK UNDER AMERI-

CAN FILM INSTITUTE (AFI) AUSPICES AT AFI'S KENNEDY CENTER FACILITIES AND THAT, SINCE THIS SECTION AS OTHER PARTS OF AGREEMENT REQUIRED GOOD WILL AND COOPERATION OF BOTH SIDES TO BE PUT INTO EFFECT, IT WAS DIFFICULT FOR US TO UNDERSTAND BULGARIAN RELUCTANCE. DAMYANOV APPEARED REASSURED, BUT DID NOT EXPLICITLY ACCEPT THIS SUB-PARAGRAPH, AS HE DID THE REST OF THE ARTICLE.

ACTION REQUESTED: WE DON'T KNOW WHAT PROBLEM, IF ANY, THE BULGARIANS MAY HAVE WITH II-E. IN CASE THIS SUBJECT COMES UP AGAIN, PLEASE ADVISE STATUS OF AFI'S PLANS TO HOLD BULGARIAN FILM WEEK, WHICH WE UNDERSTAND WAS BEING DISCUSSED LAST FALL. AT ANY RATE WE CAN POINT TO PAST BULGARIAN PARTICIPATION AT PACIFIC FILM ARCHIVES AND ATLANTA FILM FESTIVAL AS ENTITLING US TO SOME RECIPROCITY.

C. DAMYANOV STATED UNEQUIVOCALLY THAT SUB-ARTICLE II-2 IS ACCEPTABLE. WE REGARD THIS AS POTENTIALLY MAJOR OPENING FOR USIA ACTIVITIES (ESPECIALLY MAGAZINE AND LIBRARY) IF IMPLEMENTED.

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7. US ARTICLE III:

A. DAMYANOV AGAIN MADE POINTS RAISED IN CONNECTION WITH FIRST ARTICLE (PARAS 5A AND 5B, ABOVE).

RECOMMENDATION: SAME AS ABOVE.

B. AMBASSADOR INFORMED DAMYANOV THAT HE HAD DISCUSSED WITH NACHO PAPAZOV, CHAIRMAN OF CSTPHE, US INTEREST IN EXCHANGING PATENT INFORMATION WITH BULGARIA, AND WHY SUBJECT COULD NOT BE INCLUDED IN THIS AGREEMENT SINCE RELEVANT US BODY (USDOC) FALLS OUTSIDE SCOPE OF AGREEMENT ON US SIDE. WE ALSO NOTED UPCOMING VISIT BY USDOC DELEGATION ON PATENT INFORMATION (STATE 292238), WHICH SERVED TO DISSIPATE ANY REMAINING BULGARIAN DESIRES THAT SUBJECT OF EXCHANGING PATENT INFORMATION BE INCLUDED IN THIS AGREEMENT.

8. US ARTICLE IV:

DAMYANOV SAID GOB MINISTERIAL-LEVEL COMMITTEE FOR SCIENCE, TECHNICAL PROGRESS AND HIGHER EDUCATION (CSTPHE) IS PROPER BODY TO SIGN MEMORANDUM OF UNDERSTANDING WITH US NATIONAL SCIENCE FOUNDATION.

RECOMMENDATION: CSTPHE SHOULD REPLACE BULGARIAN ACADEMY OF SCIENCES IN LAST SENTENCE.

9. US ARTICLE V: DAMYANOV PRONOUNCED THIS ARTICLE

"OKAY".

10. US ARTICLE VI:

A. WE HAD CAPITALIZED "DESIGNATED REPRESENTATIVES" IN OUR REVISED DRAFT, TO IMPROVE THAT TERM'S ACCEPTABILITY TO GOB, WHICH FAVORS JOINT COMMISSION. AMBASSADOR RECOMMENDED AGAINST TAMPERING WITH THIS LANGUAGE BUT IF NECESSARY OFFERED TO SEEK APPROVAL FOR ALTERNATIVE LANGUAGE, SUCH AS THAT "DESIGNATED REPRESENTATIVES" WOULD MEET AS "REVIEW COMMITTEE". DAMYANOV APPEARED CONVINCED THAT GOB NEEDS COULD BE MET BY REFERRING IN PRESS REPORTS TO MEETINGS OF "DESIGNATED REPRESENTATIVES" AS "COMMITTEE MEETINGS".

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RECOMMENDATION: THIS DOES NOT REQUIRE OUR CONCURRENCE, SINCE BULGARIANS ARE FREE TO CALL MEETINGS OF "DESIGNATED REPRESENTATIVES" ANYTHING THEY WANT, SO LONG AS OUR LANGUAGE IS RETAINED IN THE AGREEMENT.

B. DAMYANOV ASKED THAT WORD "MAY" BE CHANGED TO "WILL" IN SENTENCE: "THESE DESIGNATED REPRESENTATIVES MAY PREPARE FOR THE PARTIES TO SIGN TWO-YEAR PROGRAMS FOR COOPERATION." HE EXPLAINED THAT BULGARIANS NEED EVIDENCE THAT THE AGREEMENT WILL BE PUT INTO EFFECT. AMBASSADOR NOTED US SIDE CERTAINLY ENVISIONS EXPLICIT PROGRAM DOCUMENT, BUT SAID LIMITATION TO TWO YEARS MAY GO AGAINST WHAT THE BULGARIANS THEMSELVES HAD SOUGHT, NAMELY FLEXIBILITY TO GO FROM TWO TO THREE YEARS. HE NOTED PROGRAMS WITH SOVIET UNION HAD STARTED ON TWO-YEAR BASIS BUT NOW RUN FOR THREE YEARS. DAMYANOV AGREED.

RECOMMENDATION: ARTICLE VI, FIRST PARAGRAPH, SECOND SENTENCE SHOULD READ: "THESE DESIGNATED REPRESENTATIVES WILL PREPARE PROGRAMS FOR COOPERATION, FOR SIGNATURE BY THE PARTIES." BUT IF BULGARIANS PREFER, SPECIFY "(COOPERATION) FOR PERIODS OF TWO YEARS, ETC."

11. US ARTICLE VIII: DAMYANOV PRESENTED ALTERNATIVE LANGUAGE FOR BEGINNING OF THIS ARTICLE, TO EFFECT THAT AGREEMENT WOULD ENTER INTO FORCE UPON COMPLETION OF EXCHANGE OF NOTES INFORMING THAT IT HAD BEEN APPROVED BY EACH SIDE'S "COMPETENT AUTHORITIES." HE RECALLED AGREEMENT MUST BE APPROVED BY BULGARIAN PEOPLE'S ASSEMBLY. AMBASSADOR AGREED IN PRINCIPLE AND OFFERED PROVIDE LANGUAGE. DAMYANOV SAID REMAINDER OF ARTICLE IS ACCEPTABLE, INCLUDING TWO-YEAR TERM.

RECOMMENDATION: ARTICLE VIII, FIRST PARAGRAPH, FIRST SENTENCE SHOULD READ: "THIS AGREEMENT WILL ENTER INTO FORCE UPON THE COMPLETION OF AN EXCHANGE OF NOTES

BY MEANS OF WHICH EACH PARTY WILL INFORM THE OTHER THAT
THE AGREEMENT HAS BEEN APPROVED BY ITS COMPETENT AUTHORITIES."

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12. PROPOSED JOINT PREAMBLE (LANGUAGE IN PARENTHESIS
IS ADDITIONS SUGGESTED BY EMBASSY):

"THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BULGARIA
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA;

"CONSIDERING THE TIES OF FRIENDSHIP BETWEEN THE
BULGARIAN AND AMERICAN PEOPLES;

"BELIEVING THAT EXCHANGES AND COOPERATION IN CULTURE,
EDUCATION, SCIENCE, TECHNOLOGY, (THE ARTS, SPORTS) AND
OTHER FIELDS WILL CONTRIBUTE TO THE BROADENING OF UNDER-
STANDING BETWEEN THE BULGARIAN AND THE AMERICAN PEOPLES
AND TO THE DEVELOPMENT OF MUTUALLY BENEFICIAL RELATIONS
BETWEEN THE TWO COUNTRIES;

"RECOGNIZING THAT EXCHANGES AND COOPERATION BETWEEN
THE CULTURAL, EDUCATIONAL, SCIENTIFIC, (AND) TECHNOLOGI-
CAL, (ARTISTIC AND ATHLETIC) INSTITUTIONS OF THE TWO
COUNTRIES WILL CONTRIBUTE TO THE CULTURAL, EDUCATIONAL
AND MATERIAL DEVELOPMENT OF THEIR PEOPLES;

"DESIROUS OF DEVELOPING AND EXPANDING RELATIONS
AND COOPERATION BETWEEN THE TWO COUNTRIES IN THE FIELDS
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OF CULTURE, SCIENCE, EDUCATION, TECHNOLOGY, THE ARTS,
SPORTS AND OTHER FIELDS ON A MUTUALLY BENEFICIAL BASIS
TO THE INTEREST OF THE TWO COUNTRIES;

"AGREE AS FOLLOWS:"

13. COMMENT: WE BELIEVE ALL THE CHANGES AND LANGUAGE
WE HAVE RECOMMENDED ABOVE WILL BE ACCEPTABLE TO GOB --
BUT WE COULD BE WRONG. WE WOULD APPRECIATE THEIR EX-
PEDITIOUS APPROVAL BY WASHINGTON, SO THAT WE CAN RETURN
BALL TO DAMYANOV'S COURT. HE WILL THEN NEED TO SECURE
CLEARANCES FROM CSTPHE, COMMITTEE OF ART AND CULTURE,
AND MFA. THIS PROCESS PROBABLY WILL TAKE SOME TIME AND
COULD INVOLVE SOME SETBACKS AND SIDE TRIPS, BUT AS OF
NOW IT APPEARS THAT NEGOTIATIONS COULD BE CONCLUDED IN
ONE MORE SESSION AND THAT DILATORY TACTICS WOULD BE
REQUIRED TO DLAY SUCH CONCLUSION. DATE AND PLACE OF
SIGNING WOULD BE DISCUSSED SEPARATELY. THE MOST IMPORT-
ANT NEGOTIATION WILL THEN COME WITH REGARD TO THE FIRST
PROGRAM DOCUMENT.

14. REQUEST INSTRUCTIONS BY MARCH 2.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SCIENTIFIC COOPERATION, NEGOTIATIONS, CULTURAL EXCHANGES
Control Number: n/a
Copy: SINGLE
Draft Date: 20 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976SOFIA00356
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760064-1017
From: SOFIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760229/aaaaazhb.tel
Line Count: 363
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 7
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 SOFIA 259, 76 STATE 201490, 76 SOFIA 130
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 09 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 APR 2004 by CunninFX>; APPROVED <02 JUL 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CULTURAL-SCIENTIFIC AGREEMENT: SECOND NEGOTIATING SESSION
TAGS: OEXC, PFOR, SCUL, BU, US
To: STATE USIA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006